

TWENTY-SECOND DAY

(Monday, February 20, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Fuller Moffett

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God our Father, this is Thy world. We are sheep of Thy pasture. Be our good Shepherd today. Lead us beside peaceful waters; shield us from wolves in sheep's clothing; seek after us when we go astray, and when night comes shelter us safe within Thy fold. We pray in Christ's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 16, 1961 was dispensed with and the Journal was approved.

Leaves of Absence

Senator Fuller was granted leave of absence for today on account of illness on motion of Senator Aikin.

Senator Moffett was granted leave of absence for today on account of illness in the family on motion of Senator Hardeman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 20, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 2, Extending to April 1, 1961, the Legislative Committee to Study Problems of the Aged.

(With Amendments.)

H. B. No. 224, An Act to amend Section 1 of Chapter 112, page 235, Acts of the 55th Legislature Regular Session, 1957, (compiled as Section 1 of Article 12691-2 of Vernon's Texas Civil Statutes) to authorize the Texas State Department of Health to provide planning assistance for political subdivisions and to except grants therefor under the provisions of the Federal Housing Act of 1954, as amended, or from other sources; and declaring an emergency.

H. B. No. 8, Amending Sections 14 and 15 of Chapter 425, Acts of the Regular Session of the Fifty-fifth Legislature, 1957 (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Sections 14 and 15); providing for broadening the present law governing the Texas Water Development Board and defining its duties; increasing the findings the Board must make that a water supply project cannot be financed without State assistance; removing the present limitation on loans for water supply projects of one-third of project cost; raising the presently authorized ceiling on such loans from Five Million Dollars (\$5,000,000) to Fifteen Million Dollars (\$15,000,000); and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 82 by vote of 120 ayes, 1 noes.

H. B. No. 283, A bill to be entitled "An Act limiting the provisions of this Act to the County of McCulloch making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any antlerless deer, wild turkey, quail, or fish in said County after May 1, 1961; prescribing the legislature policy with respect to the antlerless deer, wild turkey, quail and fish in said County; conferring upon the Game and Fish Commission authority to regulate, by proclamation, order, rule or regulation, the taking of antlerless deer, wild turkey, quail and fish of said County; requiring the Game and Fish Commission to make investigations with respect to the

depletion and waste of the antlerless deer, wild turkey, quail and fish of said County; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the said wildlife resources of said County; defining depletion and waste; providing for the issuance of the antlerless deer permits; providing for the adoption of proclamations, orders rules and regulations of the Game and Fish Commission; providing for public hearing in each County before any proposed rule or regulation is adopted by the Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing for the authority of the Commission; providing a penalty for the violation of any of the provisions of this Act as well as any order, rule or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to purchase a new license and providing a penalty therefor; suspending certain laws; providing for the effective date of this Act; providing a saving clause and declaring an emergency."

H. B. No. 364, A bill to be entitled "An Act limiting the provisions of this Act to the County of Gillespie, making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any antlerless deer, wild turkey, quail, or fish in said county after May 1, 1961; prescribing the legislative policy with respect to the antlerless deer, wild turkey, quail, and fish in said county; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, on taking of antlerless deer, wild turkey, quail, and fish of said county; requiring the Game and Fish Commission to make investigations with respect to the depletion and waste of the antlerless deer, wild turkey, quail and fish of said county; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the said wildlife resources of said county; defining depletion and waste; providing for the issuance of the antlerless deer permits; providing for the adoption of proclamations, orders, rules and regulations of the Game and Fish Commission; providing for public hearing in each county before any proposed rule or regulation is adopted by the

Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing for the authority of the Commission; providing for the forfeiture of licenses; making it unlawful to purchase a new license and providing a penalty therefor; suspending certain laws; providing for the effective date of this Act; providing a saving clause; and declaring an emergency."

H. B. No. 33, Amending Articles 81 and 82 of the Election Code as enacted in Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1951, to clarify the provisions of article 82; to permit the use, in cities of more than two hundred thousand (200,000) inhabitants in which voting machines are used, of paper ballots under certain conditions; providing a saving clause; repealing all laws or parts of laws in conflict; and declaring an emergency.

H. B. No. 90, To amend Section 8 of House Bill No. 87, Acts of the Fifty-sixth Legislature, Regular Session, 1959, Chapter 190, codified as Article 326k-41a of Vernon's Civil Statutes, so as to provide that the annual compensation of the stenographer of the District Attorney of the 121st Judicial District of Texas shall be increased from a maximum of Twenty-four Hundred Dollars (\$2,400) per annum to a maximum of Thirty-three Hundred Dollars (\$3,300) per annum; providing a repealing clause; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 111

Senator Willis offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. John J. Justin, Jr., their lovely children, David and Mary, and Mr. and Mrs. Jerry Wolens, all of Fort Worth, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 112

Senator Calhoun offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Miss Charlane Tunnell and Miss Lana Bradshaw; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Calhoun by unanimous consent presented the guests to the Members of the Senate.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Roberts:

S. B. No. 233, A bill to be entitled "An Act ratifying, confirming and validating the creation, establishment and boundaries of Fannin County Water Control and Improvement District No. 1, the organization, confirmation election and election of directors for the District and all proceedings relating thereto; granting said District the powers enumerated by Article XVI, Section 59 of the Constitution of Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Parkhouse:

S. B. No. 234, A bill to be entitled "An Act amending Subsection 4 of Section 4 of Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended, to provide for the inclusion of military duty in World War I in calculating retirement benefits; and declaring an emergency."

To the Committee on Education.

By Senator Schwartz:

S. B. No. 235, A bill to be entitled

"An Act relating to the Court of Civil Appeals for the First Supreme Judicial District; amending Section 2 of Chapter 421, Acts of the 55th Legislature, 1957, compiled as Article 1817a, Vernon's Revised Civil Statutes, to provide that the said Court may transact its business either at the City of Galveston or the City of Houston; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Schwartz:

S. B. No. 236, A bill to be entitled "An Act amending Section 1 of Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as last amended, which is codified as Section 1 of Article 3883i, Vernon's Texas Civil Statutes, so as to provide higher compensation for county officials of certain counties with low population and high assessed values for tax purposes; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Parkhouse:

S. B. No. 237, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to exchange lands in Dallas County, Texas, and to execute deeds with the Dallas County Hospital District, Dallas County, Texas, and to convey the site received in exchange to the governing board of the Children's Medical Center of Dallas, Dallas County, Texas, to be used as a teaching facility fully integrated with the medical program of the University of Texas Southwestern Medical School, Dallas, Texas; specifying certain contractual terms and making provision for other considerations mutually agreed upon by the parties; and declaring an emergency."

To the Committee on State Affairs.

By Senator Owen:

S. B. No. 238, A bill to be entitled "An Act to extend the time for payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon which are due or will become due prior to November 1, 1961, and providing for a further extension thereon under certain conditions; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 239, A bill to be entitled

"An Act amending Section (a) of Article 6686 of the Revised Civil Statutes of Texas, 1925, as amended, relating to manufacturers and dealers registration of motor vehicles; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Calhoun:

S. B. No. 240, A bill to be entitled "An Act relating to authorizing the governing bodies of counties, cities, towns and trustees of school districts to invest their respective sinking funds for the redemption and payment of outstanding bonds of such bodies and amending Article 836 of the Revised Civil Statutes of Texas, Acts of 1949, Fifty-First Legislature, page 812, Ch. 437, Section 1, so as to add thereto a new alternative investment by authorizing such bodies to invest such monies in interest bearing time deposits in any bank doing business in Texas where the payment of such time deposits is insured by the Federal Deposit Insurance Corporation; and declaring an emergency."

To the Committee on State Affairs.

By Senator Calhoun:

S. B. No. 241, A bill to be entitled "An Act amending Section 5 of Chapter 36, Acts of the 53rd Legislature, 1953, compiled as Article 326k-22 of Vernon's Revised Civil Statutes of Texas, authorizing an increase in the number of assistants, stenographers, and clerks in the office of the Criminal District Attorney of Smith County, Texas; providing for the method of their appointment, salaries, and duties; providing for the appointment of an investigator, prescribing the duties, salary, bonding, and payment of expenses of such investigator; providing a new section to Article 326k-22 to be known as Section 5-A, to be added immediately after Section 5; providing for additional employees in the office of the Criminal District Attorney of Smith County, Texas, providing for their employment and compensation; providing a savings clause; repealing all laws in conflict to the extent of such conflict; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hudson:

S. B. No. 242, A bill to be entitled "An Act amending Sec. 8 of Chapter 149, Acts of the 54th Leg., Regular

Session, 1955, relating to the requirements for certification of junior and senior high school teachers, elementary school teachers, defining terms, providing for an effective date, providing for notice of students of the requirements of this section, repealing all conflicting laws, and declaring an emergency."

To the Committee on Education.

By Senator Gonzalez:

S. B. No. 243, A bill to be entitled "An Act amending Section 17 of Chapter 152, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, to extend the existing authority of the Game and Fish Commission to regulate wildlife in Bexar County; and declaring an emergency."

To the Committee on Game and Fish.

Senate Resolution 115

Senator Creighton offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the American and Texas History Classes of the Chico Public Schools, Chico, Texas, accompanied by their teachers and sponsors, Mr. Luther Pearson, Mr. and Mrs. John Smith, and Mr. Robert Elsom; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Creighton by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

Senate Resolution 116

Senator Roberts offered the following resolution:

Whereas, The Senate of the State of Texas wishes to pay tribute to a magnificent citizen who celebrated his ninety-third birthday on April 2, 1962, Major Joseph F. Nichols of Greenville; and

Whereas, Major Nichols played a strategic part in Texas history when he served so capably in the Texas House of Representatives as floor leader for Sam Rayburn, when he was the dynamic Speaker of the House of Representatives; and

Whereas, Major Nichols is the oldest living graduate of Texas A. & M. He is one of the few men to graduate with honors from both Texas A. & M. and The University of Texas. In 1893, he moved to Greenville, where he served as Mayor and City Attorney of Greenville; and

Whereas, Major Nichols is the oldest living member of the American Legion in Texas, and the third oldest living Legionnaire in the Nation. He is a veteran of the Spanish-American War and World War I. He was a charter member and second commander of the Otho Morgan Post 17; and

Whereas, The Otho Morgan Post 17 of the American Legion will honor this dedicated citizen on this April 2 to celebrate his birthday; now, therefore, be it

Resolved, That the Senate of the Fifty-seventh Legislature congratulates Major Joseph F. Nichols on his birthday and on his wonderful life of dreams fulfilled.

The resolution was read and was adopted.

Messages from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
February 20, 1961.

To the Senate of the Fifty-seventh Legislature:

I ask the advise, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Directors of the Guadalupe-Blanco River Authority, as designated by the Board of Water Engineers: For six-year terms to expire February 1, 1967: Edgar Engelke of Seguin, Guadalupe County; Frank Guittard of Victoria,

Victoria County; M. L. Deviney of Martindale, Caldwell County.

To fill the unexpired term of Hartwell J. Kennard, deceased, term to expire February 1, 1965: Edward Reese of Gonzales, Gonzales County.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas.

The following message received from the Governor today and was read and was filed with the Secretary of the Senate:

February 20, 1961.

To the Members of the 57th Legislature:

In my message of January 18, I adopted and presented to you a recommendation of the State Finance Advisory Commission of a payroll-earnings tax as a possible source of new revenue, along with an alternative excise tax plan.

I said then that I would support and work for either of these proposals "that receives the widest acceptance in the Legislature." I added that "if any of you has a plan which receives wider acceptance, short of a general sales tax or an income tax, I will work for and support that plan."

In that same spirit, I now feel that it is my duty to acknowledge that I have found practically no support in either House for the proposed payroll-earnings tax. I am convinced, after talking with many members, that it has no chance of enactment.

In order to save any time that otherwise might be lost in further consideration of this proposal, I hereby withdraw my recommendation of a payroll-earnings tax as a possible source of new revenue. I do this with the full knowledge and approval of the Chairman of the Finance Advisory Commission, Senator John Redditt, and other members with whom I have talked.

I hasten to add that my discussions with members of the Legislature also convince me that neither an income tax nor a general sales tax has a chance of enactment. I would suggest that the proponents of those measures might save time if they faced their fate as realistically as I have done with respect to the payroll-earnings proposal. The sooner these are laid aside, either by withdrawal or by vote, the sooner it will be possible for all concerned to arrive at a compro-

mise which will meet the present and future needs of our State.

As the basis for a fair and adequate compromise, I stand on the alternative recommendation of the Finance Advisory Commission for broadening the base of our excise taxes, with such additions and changes as may be necessary to provide sufficient growth taxes to meet our future needs.

Excise taxes can be as broad, as productive, and as sustaining as any other type of taxation and still avoid levies on income, payrolls, and the basic necessities of life. To deny this is to ignore what is happening in other States. To say to the people of Texas that you must have either an income tax or a general sales tax is to deny other choices which are both available and adequate. They should be tried before surrendering to last resort measures which this State has avoided throughout its history.

My staff and the Finance Advisory Commission staff are now working with members of the Legislature on a revision of the excise tax proposal which should be ready for introduction and consideration when the deficit retirement hearings have been completed.

In the meantime, I commend and urge the continuation of your consideration and action on proposals to retire the deficit first and separately from the tax needs of the next biennium. Although disagreement may exist as to sources of new revenue for the future, there should be complete agreement that no single tax plan thus far advanced by anyone can possibly yield enough to cover both the deficit and the needs of the next biennium. Until the deficit is cared for, I should think that we could hardly justify the approval of new spending proposals from the General Revenue Fund or arrive at new revenue solutions for the future.

It is urgent that deficit retirement measures become effective at the earliest possible date and equally important that provisions for new revenue be enacted at this Regular Session. Collection of new taxes cannot begin until several weeks after the effective dates of new legislation. Delay in action beyond this Session will only increase the magnitude of our task.

It is to eliminate delay and to speed the day on which agreements can be reached that I have this day withdrawn what I know now to be an un-

acceptable and futile recommendation for solving our needs for future revenue. With this same frank and realistic approach, I shall continue to do everything within my power to cooperate with you in fully meeting our responsibilities during this Regular Session of the Legislature.

Respectfully submitted,
PRICE DANIEL,
Governor.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
February 20, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Town, to whom was referred S. B. No. 233, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Bill 233 Ordered Not Printed

On motion of Senator Roberts and by unanimous consent S. B. No. 233 was ordered not printed.

Senate Bill 215 on Second Reading

Senator Patman moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 215 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Fuller	Moffett
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 215, A bill to be entitled "An Act amending Chapter 26, Acts of the 55th Legislature, First Called Session, 1957, so as to specifically provide that the Hondo Creek Watershed Improvement District may call an election for the authorization of a tax for maintenance purposes; validating actions and proceedings relating to a maintenance tax and bond election heretofore held within said District; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 215 on Third Reading

Senator Patman moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Weinert
Krueger	Willis

Absent

Smith

Absent—Excused

Fuller

Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Gonzalez

Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Martin	Smith
Moore	Weinert
Owen	Willis
Parkhouse	

Absent—Excused

Fuller

Moffett

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 82, To Validate the establishment, organization, and/or creation of all school districts; validating the acts of county boards of school trustees, county judges, Commissioners Courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; . . . etc.; and declaring an emergency.

H. B. No. 452, Amending Sections 1 and 2 of Chapter 422, Acts of the Fifty-sixth Legislature, Regular Session, 1959, relating to Lamar County Hospital District; and declaring an emergency.

H. B. No. 80, Amending Section 20 of Chapter 147, Acts of 1949, Fifty-first Legislature, Regular Session, creating the Port of Beaumont Navigation District of Jefferson County, Texas enlarging the authority of the District to issue refunding bonds, and amending Section 21 of said Act, as heretofore amended, to permit said District to pledge certain revenues of said District to the payment of its revenue bonds; . . . etc.; and declaring an emergency.

Senate Bill 233 on Second Reading

Senator Roberts moved that Senate Rules 13, 32 and 38 and Section 5 of Article III of the Constitution and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 233 be

placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Nays—1

Hardeman

Absent—Excused

Fuller Moffett

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 233, A bill to be entitled "An Act ratifying, confirming and validating the creation, establishment and boundaries of Fannin County Water Control and Improvement District No. 1, etc., and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 233 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 233 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—28

Aikin	Hazlewood
Baker	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Krueger
Crump	Lane
Dies	Martin
Gonzalez	Moore

Owen	Rogers
Parkhouse	Schwartz
Patman	Secrest
Ratliff	Smith
Reagan	Weinert
Roberts	Willis

Nays—1

Hardeman

Absent—Excused

Fuller Moffett

Senate Bill 120 on Second Reading

Senator Lane moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 120 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Baker	Owen
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Lane	Willis

Nays—2

Krueger Moore

Present—Not Voting

Gonzalez

Absent—Excused

Fuller Moffett

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 120, A bill to be entitled "An Act repealing Article 1220 of the Penal Code of Texas, 1925; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 120 on Third Reading

Senator Lane moved that Senate

Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Baker	Owen
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Lane	

Nays—2

Krueger	Moore
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Absent—Excused

Fuller	Moffett
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the final passage of S. B. No. 120.

Senate Resolution 117

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. and Mrs. Bill Street of Littlefield, Texas; and

Whereas, We desire to welcome these distinguished visitors to the capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and extended the privilege of the floor for the day.

The resolution was read and was adopted.

Senator Rogers by unanimous con-

sent presented the guests to the Members of the Senate.

Senate Bill 61 on Second Reading

Senator Parkhouse moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 61 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Fuller	Moffett
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 61, A bill to be entitled "An Act amending Chapter 402, Section 4, Sub-Section E, and Section 5, Sub-Section D, Paragraph 1, Acts of the 55th Legislature, Regular Session, so as to grant State employees, who executed waivers in the Employees Retirement System of Texas, the privilege of qualifying all of their service as a State employee for retirement purposes, and setting forth the conditions and requirements to permit such service to be granted; granting State employees, who withdraw funds from the Employees Retirement System of Texas and cancel their accounts, the privilege of reinstating all of their State service for retirement purposes, and setting forth the conditions and requirements to permit such service to be granted; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 61 on Third Reading

Senator Parkhouse moved that Sen-

ate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Fuller	Moffett
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Fuller	Moffett
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House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 219, To Committee on State Affairs.

H. B. No. 288, To Committee on Jurisprudence.

H. B. No. 312, To Committee on Counties, Cities and Towns.

H. B. No. 360, To Committee on State Affairs.

H. B. No. 388, To Committee on Game and Fish.

H. B. No. 400, To Committee on Public Health.

H. B. No. 90, To Committee on Counties, Cities and Towns.

H. B. No. 33, To Committee on Privileges and Elections.

H. B. No. 8, To Committee on Water and Conservation.

H. B. No. 224, To Committee on State Affairs.

H. B. No. 283, To Committee on Game and Fish.

H. B. No. 364, To Committee on Game and Fish.

Senate Concurrent Resolution 2
with House Amendments

Senator Martin called S. C. R. No. 2 from the President's table for consideration of the House amendments to the concurrent resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Fuller	Moffett
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Adjournment

On motion of Senator Hardeman the Senate at 12:07 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Malcolm Boyd Conoley

Senator Herring offered the following resolution:

(Senate Resolution 113)

Whereas, With the passing of Malcolm Boyd Conoley on February 2, 1961, Williamson County lost an outstanding citizen and civic leader; and

Whereas, Mr. Conoley, a retired businessman, was born in Milam County, Texas, on September 21, 1874, and for the past sixty-one years had made Taylor his home; he was married on January 18, 1898, to Miss Ellie McMillan, who preceded him in death on October 26, 1959; and

Whereas, He was a past president of the Taylor Rotary Club, served on the draft board during World War II, was a member of the Taylor School Board, and a devout member of the Presbyterian Church where he served as an Elder and taught the Men's Bible Class for many years; and

Whereas, For more than half a century he was prominent in civic affairs, devoting his time and energy to serving his community whenever and wherever needed; and

Whereas, He is survived by four sons, Dr. David Conoley of Midland, Texas; Gilbert Conoley of Georgetown, Texas; Gillis Conoley of Taylor, Texas; and W. F. Fluker of San Ardo, California; two daughters, Mrs. Homer Gilstrap of Taylor, Texas; and Mrs. Albert Wernli of Temple, Texas; three sisters, Mrs. E. G. Stiles of Thorndale, Texas; Mrs. W. D. Stiles of Taylor, Texas; and Mrs. Will Wilder of Brady, Texas; and two brothers, Knox Conoley and Roscoe Conoley, both of Thorndale, Texas; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-seventh Legislature to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to all surviving members of his family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Dr. T. O. Walton, Sr.

Senator Moore offered the following resolution:

(Senate Resolution 114)

Whereas, On February 18, 1961, our Heavenly Father, in His infinite wisdom, did call from his earthly home Dr. T. O. Walton, Sr., of Brazos County; and

Whereas, He was born near Gary, Texas, on March 8, 1884, and as an East Texas farm boy worked his way up from country school teacher to county agricultural agent, head of the Texas Agricultural Extension Service and to the Presidency of the Agricultural and Mechanical College of Texas, which he headed from 1925 until 1943; and

Whereas During Dr. Walton's seventeen years as President of Texas A & M the college grew from an enrollment of two thousand and eighty-four to over seven thousand and the physical plant of the college increased from \$4,760,000 to approximately \$15,000,000; and

Whereas, Dr. Walton, a courteous, kindly gentleman of the old school, imposing in size and forceful in speech, was affectionately known by thousands of A & M men; and

Whereas, He represented this country in international meetings on agricultural problems at The Hague, Holland, and in Latin America; and

Whereas, He was offered the position as head of the National Office of Extension Work in the United States Department of Agriculture when that office was created in 1922, and was later widely mentioned as a possible appointee as Secretary of Agriculture; and

Whereas, Upon retirement from A & M College he served a year as vice chairman of the War Labor Board, then became postmaster of College Station, which position he held until retirement in 1953; and

Whereas, In addition to serving as President of the American Association of Land Grant Colleges and Universities, he was a life member of the Texas State Teachers Association, member of the Texas Academy of Science and Texas Philosophical Society and the American Society of Agronomy; and

Whereas, He was a Democrat, Baptist and Shriner; and

Whereas, The family of Dr. Walton has suggested that gifts may be made to the T. O. Walton Memorial Fund at the Association of Former Students at College Station, such fund to aid worthy students attending A & M College; now, therefore, be it

Resolved, That the Senate of Texas do hereby express its deep and abiding sympathy to the members of Dr. Walton's family at his passing and that copies of this resolution be forwarded to his family by the Secretary of the Senate under the seal of the Senate; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Dr. Walton and that when the Senate adjourns today it do so in his memory.

MOORE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Roberts and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.